

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT EARL MCCLEES, SR.,

Appellant,

v.

EDEN EQUITIES, LLC,

Appellee.

Civil Action No. 23-3380 (RK)

MEMORANDUM ORDER

THIS MATTER comes before the Court upon a notice of appeal from the Bankruptcy Court on June 21, 2023 filed by Appellant Robert Earl McClees, Sr. (ECF No. 1.) Appellant appeals from the Bankruptcy Court’s April 28, 2023 “Order Denying Motion to Vacate Dismissal of Case.” (*Id.*; Bkr. Case No. 22-18444, ECF No. 42.) Appellant did not file a designation of record within fourteen days as required by Federal Rule of Bankruptcy Procedure 8009.

On February 5, 2024, the Deputy Clerk of the United States Bankruptcy Court for the District of New Jersey filed a “Certification of Failure to File Designation of Record.” (ECF No. 2; Bkr. Case No. 22-18444, ECF No. 65.) The Certification states that “the appellant has failed to file such designation [of items to be included in the record on appeal and a statement of issues to be presented] or to request an extension of time within which to file same.” (*Id.*) No action appears to have been taken by Appellant since then to remedy this failure by filing a Designation of Record on Appeal and his moving brief. Therefore,

IT IS on this 4th day of March, 2024,

ORDERED that Appellant must show cause in writing by March 19, 2024, why this appeal should not be dismissed with prejudice for failure to file a designation of record and statement of the issues to be presented in accordance with Rule 8009 or to otherwise prosecute this appeal; and

it is further

ORDERED that the Clerk of the Court is directed to mail a copy of this order to Appellant's address on record.



ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE